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C O N F I D E N T I A L PARIS 001228

SENSITIVE
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TAGS: PREL IR FR

SUBJECT: FRANCE-IRAN: JUDICIAL INDEPENDENCE AT THE ROOT OF
BAIL SET FOR KAKAVAND, PER PRESIDENCY ADVISOR

REF: A. A. PARIS 01205

¶B. B. BAGHDAD 02397

Classified By: Political Minister-Counselor Kathleen H. Allegrone
for Reasons 1.4 (b), (d).

¶1. (C) We met with Elysee strategic affairs advisor Richier September 4 to follow up on reports that a French judge had released Iranian national Majid Kakavand on bail and subject to determination of a pending U.S. extradition request. In previous conversations about the fate of French citizen Clothilde Reiss and her release to French embassy custody in Tehran, Richier had assured us that France had no intention to negotiate with Iranian authorities on a prisoner exchange and that President Sarkozy himself had been apprised of and rejected an Iranian effort to seek the release of Kakavand. (ref. a)

¶2. (C) Responding to Pol M/C's questions, Richier told us that the Elysee had been taken completely by surprise by the judge's decision. The prosecutor in the case had consistently argued for holding Kakavand, but the judge had determined that Kakavand "presented little chance for flight" and had agreed to release him on 200,000 euro bond. According to Richier, the Elysee reacted quickly and strongly to news of the decision on August 28 and that there were very sharp exchanges between the Office of the President (Elysee) and the Justice Minister, but that the government cannot reverse the judge's decision. However, Richier assured us that French authorities are keeping a close eye on Kakavand's whereabouts to prevent or interrupt possible flight. They have established what Richier called "tight" surveillance on Kakavand. Proving the point, Richier telephoned to a colleague in one of the services who confirmed that Kakavand was currently in buildings owned by Iran and managed by the Iranian Embassy, located in Paris. Richier added his own private observation that the way in which the judgment was rendered in this case implies that the request for extradition will be approved, although we must wait until October for that decision.

¶3. (C) Comment: The French have been concerned, from the beginning of their hostage case, about possible Iranian pressure to exchange Iranian prisoners for French or U.S. nationals held in Iran. Embassy Baghdad reporting (ref. b) suggests that is exactly what Iran plans to do. Obviously the French judge's decision to grant Kakavand a temporary release complicates the situation. However, Sarkozy's public tone and Richier's strong comments, suggest that France will make every effort to keep Kakavand under close surveillance, pending a decision on the extradition request.

RIVKIN